

THE HISTORY OF THE UNITED STATES

DECLARATION OF INTEREST

In the Supreme Court of the United States.

OCTOBER TERM, 1917.

CHARLES E. RUTHENBERG, ALFRED WAGEN- knecht, and Charles Baker, plaintiffs in error, v. THE UNITED STATES OF AMERICA.	} No. 656.
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*IN ERROR TO THE DISTRICT COURT OF THE UNITED STATES
FOR THE NORTHERN DISTRICT OF OHIO.*

JOSEPH F. ARVER, PLAINTIFF IN ERROR, v. THE UNITED STATES OF AMERICA.	} No. 663.
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ALFRED F. GRAHL, PLAINTIFF IN ERROR, v. THE UNITED STATES OF AMERICA.	} No. 664.
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OTTO WANGERIN, PLAINTIFF IN ERROR, v. THE UNITED STATES OF AMERICA.	} No. 665.
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WALTER WANGERIN, PLAINTIFF IN ERROR, v. THE UNITED STATES OF AMERICA.	} No. 666.
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*IN ERROR TO THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF MINNESOTA.*

LOUIS KRAMER AND MORRIS BECKER,	}	No. 680.
plaintiffs in error,		
<i>v.</i>		
THE UNITED STATES.		

LOUIS KRAMER, PLAINTIFF IN ERROR,	}	No. 681.
<i>v.</i>		
THE UNITED STATES.		

EMMA GOLDMAN AND ALEXANDER BERK-	}	No. 702.
man, plaintiffs in error,		
<i>v.</i>		
THE UNITED STATES OF AMERICA.		

IN ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK.

MOTION BY THE UNITED STATES TO ADVANCE.

Comes now the Solicitor General and respectfully moves the court to advance the above-entitled cases for joint hearing on a day convenient to the court.

These cases are commonly known as the "Selective Draft Law" cases.

No. 656 is a direct writ of error to the District Court of the United States for the Northern District of Ohio. Plaintiffs in error therein were convicted of aiding, abetting, counseling, commanding, inducing, and procuring one Alphons J. Schue to fail and refuse to appear and register himself as required by the so-called "Selective Draft Act" of May 18, 1917, and the proclamation of the President issued pursuant thereto on the same date, in violation of

section 332 of the Criminal Code. They were sentenced to imprisonment for one year in the Stark County Workhouse at Canton, Ohio. All are at large on bail.

Nos. 663 to 666, inclusive, are direct writs of error to the District Court of the United States for the District of Minnesota. Plaintiffs in error therein were convicted for failing to appear and register themselves, in violation of the act and the proclamation hereinbefore mentioned. They were sentenced, respectively, to imprisonment for one year in various jails specified in the respective judgments of the District Court. All are at large on bail.

No. 680 is a direct writ of error to the District Court of the United States for the Southern District of New York. Plaintiffs in error therein were convicted of a conspiracy to commit an offense against the United States, to wit, to aid, abet, counsel, command, and procure divers persons to fail to appear and register themselves as required by the act and proclamation hereinbefore mentioned, in violation of section 37 of the Criminal Code. Kramer was sentenced to imprisonment for a period of two years in the Federal penitentiary at Atlanta, and to pay a fine of \$10,000, and is now serving his sentence because of failure to furnish bail in the amount specified. Becker was sentenced to imprisonment for a period of one year and eight months in the same penitentiary, but was enlarged on bail.

No. 681 is a direct writ of error to the District Court of the United States for the Southern District

of New York. Plaintiff in error therein, who is also one of the plaintiffs in error in No. 680, was convicted for failing to appear and register himself, in violation of the act and proclamation hereinbefore mentioned. He was sentenced to imprisonment for a period of one year in the Mercer County Prison, New Jersey, the imprisonment to start at the expiration of his imprisonment in the penitentiary at Atlanta imposed under the indictment in No. 680.

No. 702 is a direct writ of error to the District Court of the United States for the Southern District of New York. Plaintiffs in error therein were convicted of a conspiracy to commit an offense against the United States, to wit, to aid, abet, counsel, command, and procure divers persons to fail to appear and register themselves as required by the act and proclamation hereinbefore mentioned, in violation of section 37 of the Criminal Code. Goldman was sentenced to imprisonment in the State Penitentiary of Jefferson City, Mo., for a period of two years and to pay a fine of \$10,000. Berkman was sentenced to imprisonment for a similar period in the Federal Penitentiary at Atlanta, Ga., and to pay a fine in the same amount. Both are at large on bail.

While the various records in these respective cases contain many assignments of error alleging certain errors to have been committed during the course of the trials, the principal proposition which the assignments of error in all of the cases assert is that the "Selective Draft Law" is unconstitutional.

If, because of the large number of cases, coming as they do from various districts in the United States and requiring the attention of a number of counsel on behalf of the various plaintiffs in error, the court deems it inadvisable to set the cases down for joint hearing, then it is requested that the cases be advanced and set down for hearing on the same date.

The cases are of importance to the Government in enforcing the criminal provisions of the law involved as well as in the administration of the provisions governing the drafting and assembling of the army, and for these reasons it is requested that the cases be advanced to the earliest date practicable.

Notice of this motion has been served on opposing counsel in all cases.

JOHN W. DAVIS,
Solicitor General.

OCTOBER, 1917.

